



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

12-31-3

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

| | | | |
|--|----|------------------------|-----------------|
| | | Application Number | 09/756,551 |
| | | Filing Date | January 8, 2001 |
| | | First Named Inventor | Casey D. MORROW |
| | | Art Unit | 1632 |
| | | Examiner Name | J. Woitach |
| Total Number of Pages in This Submission | 32 | Attorney Docket Number | 532572000104 |

1632
f

ENCLOSURES (Check all that apply)

| | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form(2) | <input checked="" type="checkbox"/> Drawing(s) (1 sheet) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply(4) | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input checked="" type="checkbox"/> Extension of Time Request(1) | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input checked="" type="checkbox"/> Terminal Disclaimer(2) | Transmittal of Drawing Correction (2 pages) |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | Statement Under 37 CFR 1.825(a) and 1.825(b) (2 pages) |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input checked="" type="checkbox"/> CD, Number of CD(s) <u>1</u> | Paper Copy of Sequence Listing (17 pages) |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | Return Postcard |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| <input type="checkbox"/> Remarks | | |
| Customer Number 25225 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | MORRISON & FOERSTER LLP Kate H. Murashige - 29,959 |
| Signature | |
| Date | December 29, 2003 |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 272143239 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 12/29/03 Signature: Tami M Procopio (Tami Procopio)



FEET TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 640.00)

| Complete if Known | |
|----------------------|-----------------|
| Application Number | 09/756,551 |
| Filing Date | January 8, 2001 |
| First Named Inventor | Casey D. MORROW |
| Examiner Name | J. Woitach |
| Art Unit | 1632 |
| Attorney Docket No. | 532572000104 |

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order Other None

 Deposit Account:

Deposit Account Number **03-1952**

Deposit Account Name **Morrison & Foerster LLP**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | | | Fee Paid |
|---------------------|--------------|-------------------------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge – late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge – late provisional filing fee or cover sheet. | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | 420.00 |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive – unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) | 1814 | Statutory Disclaimer Fee (x2) | | | 220.00 |

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 640.00)

**or number previously paid, if greater; For Reissues, see above

| SUBMITTED BY | | (Complete if applicable) | | |
|-------------------|--------------------------|-----------------------------------|--------|--------------------------|
| Name (Print/Type) | Kate H. Murashige | Registration No. (Attorney/Agent) | 29,959 | Telephone (858) 720-5112 |
| Signature | <i>Kate H. Murashige</i> | | Date | December 29, 2003 |

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Dated: 12/29/03 Signature: Tami M Procopio
(Tami Procopio)

Docket No.: 532572000104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Casey D. MORROW et al.

Application No.: 09/756,551

Filed: January 8, 2001

Art Unit: 1632

For: ENCAPSIDATED RECOMBINANT VIRAL
NUCLEIC ACID AND METHODS OF
MAKING AND USING SAME

Examiner: J. Woitach

TRANSMITTAL OF DRAWING CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is one set (one sheet, figures 23A-C) of corrected drawings for filing in the above-identified patent application.

The Examiner objected to the sequence listing for reasons stated in the Office Action (Paper No. 16) dated July 29, 2003. Specifically, Figures 23B and 23C contain amino acid sequences which were not identified by SEQ ID NOs. The enclosed new drawings correct these informalities.

Favorable consideration of the enclosed drawings is respectfully requested.

Dated: December 29, 2003

Respectfully submitted,

By Kate H. Murashige
Kate H. Murashige
Registration No.: 29,959
Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, California 92130
(858) 720-5112